

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN DOE

Plaintiff

v.

**COMMONWEALTH OF
PENNSYLVANIA, ET AL**

Defendants

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CASE NO. 19-2193

**PLAINTIFF’S MOTION TO ENFORCE THE SETTLEMENT
AGREEMENT**

Plaintiff, John Doe, by and through his undersigned counsel, hereby moves this Honorable Court to enforce the settlement agreement against Defendant, Commonwealth of Pennsylvania.

1. Plaintiff filed claims against his employer, the Commonwealth of Pennsylvania, Highmark Insurance Company, his employer; and the Commonwealth of Pennsylvania and Trustees of the Commonwealth, entities responsible for negotiating and procuring group health insurance for employees for the Commonwealth.

2. Plaintiff claimed that the Defendants failed to properly procure and provide health insurance that singled out gender transition-related health care for exclusion from Plaintiff’s employer sponsored health benefits plan.

3. Defendants all disputed Plaintiff's claims and denied that their conduct was violative of federal law.

4. On June 7, 2022, a settlement conference was held in this matter before the Honorable Susan Schwab, United States Magistrate Judge. [A true and correct copy of the docket sheet of this case is attached hereto as Exhibit A.]

5. The matter was settled in principle during the conference with Judge Schwab. [See Exhibit A; Docket No. 127.]

6. A settlement agreement was circulated between all parties and fully executed on September 11, 2022. The terms of the settlement are confidential. [A true and correct copy of the Settlement Agreement is referenced herein as Exhibit B and will be filed under seal with the Court.]

7. To date, Plaintiff has received payment of the settlement proceeds from Defendants, Highmark and the PEBTF.

8. Plaintiff has not received the payment owed by the Defendant Commonwealth of Pennsylvania.

9. The undersigned has made multiple inquiries with Defendant's counsel as to when Plaintiff can expect to be paid on a settlement agreed upon over seven (7) months ago. [A true and correct copy of an email thread showing those inquiries is attached hereto as Exhibit C.]

10. Defendant still has not paid money to Plaintiff due and owing under the agreement and has not provided a date when Plaintiff can expect payment.

[See Exhibit C.]

11. Plaintiff hereby seeks a modest, fourteen (14) day extension of the deadline to respond to the Defendants Motion for Summary Judgment, making the deadline to respond in opposition, January 10, 2023. This motion is timely, as Plaintiff's response deadline is December 27, 2022.

12. This Honorable Court retained jurisdiction over the settlement of this matter by not dismissing the case, instead requiring the parties to submit a stipulation of dismissal at such time when the settlement is fully consummated.

[See Exhibit C, Docket No. 127.]

WHEREFORE, Plaintiff moves this Honorable Court for an Order directing Defendant, Commonwealth of Pennsylvania to pay the full amount of settlement proceeds due and owing to Plaintiff as set forth in the settlement agreement within seven (7) days of this Order, or suffer sanctions to be Ordered upon application by Plaintiff, and award Plaintiff any other further relief as this Court believes is warranted.

LAW OFFICES OF ERIC A. SHORE, P.C.

BY: /s/Graham F. Baird
GRAHAM F. BAIRD, ESQUIRE

Date: January 20, 2023

Attorney for Plaintiff, John Doe

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CASE NO. 19-2193

CERTIFICATE OF SERVICE

On January 20, 2023, the undersigned served the foregoing Motion to Enforce Settlement via electronic filing upon the following:

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Co-counsel for Plaintiff, John Doe